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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,223	11/17/2003	Kellie Ross	57038	4443

7590 10/07/2004

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,223

Applicant(s)

ROSS ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is the first Office Action for the serial number 10/715,223 INTRAVENOUS LINE HOLDER, filed on 11/17/03.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/5/04 was filed after the mailing date of the filing date on 11/17/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,286,713 to Kurtz et al. in view of US Patent # 4,606,735 to Wilder et al.

Kurtz et al. teaches a holder comprising a thin, flat sheet of material having a central portion (located between two elements 4), a marginal edge portion (4) and outer end edge (located on each ends of element 4), an opening (5) formed through the marginal edge portion in

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spaced relation to an adjacent outer end edge. The holder comprises a normally closed slit (6) extending from each opening through an adjacent outer end edge of the marginal edge portion. The holder being made of a material (col. 1, line 52-54) having sufficient flexibility to enable a length of line to be pressed through the slit and into the opening. The central portion of holder has a substantially flat, planar anterior surface. The marginal edge portion is foldably joined to the central portion at a fold line (7), defining a first foldable wing through which the opening is formed. The holder having opposite marginal edge portion (located on the other side of element number 4) is bendable to define a pair of opposed wings having aligned opening. The slits are shaped to resist removal of line from the opening.

Kurtz et al. teaches the opening but fails to teach plurality of openings formed through the marginal edge. Wilder et al. teaches the plurality of openings (H1 and H2). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added additional hole in Kurtz et al.'s marginal edge as taught by Wilder et al. to provide support for supporting additional line in the marginal edge.

Claims 5-8 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtz et al. in view of Wilder et al. and in further view of US Patent # 5,573,111 to Gordon et al.

Kurtz et al. in view of Wilder et al. teaches the holder and openings but fails to teach the holder is made of paperboard and series of radially extending short cuts around the edges of openings. Gordon et al. teaches the holder is made of paperboard (10, col. 2, line 19) and series

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of radially extending short cuts (60) around the edges of openings (32) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kurtz et al. in view of Wilder et al.'s material to paperboard and series of radially extending short cuts around the edges of openings as taught by Gordon et al. to reduce weight in holder to provide convenience for moving holder from one place to another and provide additional resistance for the line to maintain in the openings.

Allowable Subject Matter

Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to claims 10-11, the prior art fails to teach the slits include angularly offset portions. In regards to claim 12, the prior art fails to teach the outer end edges of the holder are notched where the slit extends through the outer end edge.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 3,368,564 to Selix

US Patent # 6,345,873 to Kim

US Patent # 6,655,384 to Antenbring et al.

Selix, Kim and Antenbring et al. teach a tube holder.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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9/29/04

ASD *A. Joseph Wujciak III*